

REMARKS

Reconsideration of the above-referenced patent application is respectfully requested in view of the foregoing amendments and remarks set forth herein.

Claim 1 has been amended to recite: A medical-technical identification device for identifying a sterile product that is intended for a one-time-use only, when connected to a piece of medical equipment, the identification device comprising:

a holder fixedly connected to the sterile product, the holder including a first slide surface,

~~and that includes a fixedly mounted~~ an information carrier fixedly attached to the holder, which is adapted to deliver, or to offer specific product information in a contactless fashion,

a seat fixedly mounted on the piece of medical equipment, the seat including a second slide surface, to

a reading element that is connected to the seat ~~the piece of medical equipment~~ and to a registering unit which, in turn, is connected to both a storage unit and an analysing unit, ~~characterised in that~~

the information carrier being is mounted in a fixed relation to a the first slide surface of the sterile product, ~~which wherein the first slide surface co-acts directly with a second slide surface of a seat fixedly mounted on the piece of medical equipment and including the reading element, and~~ the second slide surface are angled so that when corresponding to the first slide surface and the second slide surface are brought directly together, so as to bring the information carrier and the reading element are brought into contactless alignment with one another,

the sterile product being is either a sterile elastic hose part, a sterile saw blade, a sterile drill bit, or a sterile shaver blade,

the analysing unit functioning ~~functions~~ to deliver signals to an equipment-actuating control unit,

the device further comprising ~~includes~~ a presentation unit which functions to present information from both the analysing unit and the storage unit, and

a programming unit is connected to the analysing unit or the storage unit,

wherein bringing the information carrier and the reading element into contactless alignment with one another enables identifying of the sterile product.

Support for this terminology is found in claim 1 as filed, in Figures 3a-3c, and in the specification, for example, at paragraphs [0041]-[0043]. The amendments to the other claims are matters of formality or are analogous to the amendment of claim 1.

In the Office Action of April 3, 2009, the Examiner took the following action to which Applicant herein makes response: rejected claims 1-8 under Section 103(a) as being unpatentable over Sasse et al. These rejections are traversed in application to the claims as amended, and consideration is requested of the patentability of claims 1-8 now pending in the application.

Rejection of claims 1-8 under Section 103(a) as being unpatentable over Sasse et al.

Applicant respectfully submits that as the prior attorney of record discussed with the Examiner, Applicant's invention, particularly as shown in Figures 3a-3c, is distinctly different than the Sasse et al. patent application. The undersigned attorney has attempted to incorporate these differences in claim 1 as amended (and in claim 8 as amended). Should the Examiner determine that additional amendment would more accurately reflect these differences, Applicant respectfully requests the Examiner to submit such amendment.

In particular, as set forth in Applicant's previous response to the previous Office Action, Sasse's arrangement requires that the flexible hose is first mounted in a fixed position in a cassette that includes the identification information, which cassette with the hose is then mounted onto the medical equipment with which the hose is used, that is the peristaltic pump. Thus, Sasse's arrangement requires two mounting steps before the medical equipment can be activated for use.

In contrast, claim 1 as amended provides a medical-technical identification device for identifying a sterile product that is intended for a one-time-use only when connected to a piece of medical equipment, the identification device comprising: a holder fixedly connected to the sterile product, the holder including a first slide surface, an information carrier fixedly attached to the holder, which is adapted to deliver, or to offer specific

product information in a contactless fashion, a seat fixedly mounted on the piece of medical equipment, the seat including a second slide surface, a reading element that is connected to the seat and to a registering unit which, in turn, is connected to both a storage unit and an analysing unit, the information carrier being mounted in a fixed relation to the first slide surface *wherein the first slide surface and the second slide surface are angled so that when the first slide surface and the second slide surface are brought directly together, the information carrier and the reading element are brought into contactless alignment with one another*, the sterile product being either a sterile elastic hose part, a sterile saw blade, a sterile drill bit, or a sterile shaver blade, the analysing unit functioning to deliver signals to an equipment-actuating control unit, the device further comprising a presentation unit which functions to present information from both the analysing unit and the storage unit, and a programming unit connected to the analysing unit or the storage unit, *wherein bringing the information carrier and the reading element into contactless alignment with one another enables identifying of the sterile product* (emphasis added).

Claim 1 is therefore respectfully submitted to be patentable over Sasse et al. under Section 103(a). Claims 2-7 depend from and contain all of the limitations of claim 1 as amended, and are therefore submitted to be similarly patentable over Sasse et al. under Section 103(a).

Independent claim 8 as amended also recites “a seat fixedly mounted on the piece of medical equipment, the seat including the reading element and a second slide surface with which the first slide surface co-acts directly when the sterile product is connected to the piece of medical equipment, *the second slide surface corresponding to the first slide surface so as to bring the information carrier and the reading element into contactless alignment with one another, wherein bringing the information carrier and the reading element into contactless alignment with one another enables identifying of the sterile product* (emphasis added)”, and is therefore submitted to be similarly patentable over Sasse et al. under Section 103(a).

Conclusion

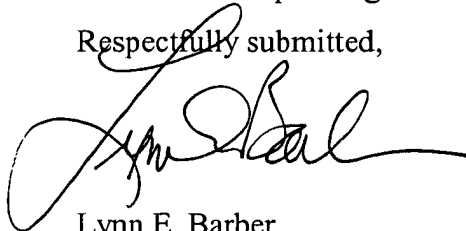
For all the foregoing reasons, claims 1-8 are submitted to be fully patentably

distinguished over the cited references and in allowable condition. Favorable consideration is therefore requested.

No new claims have been added to the previously pending claims. It is therefore believed that no fee is required for the presentation of this amendment other than the fee for extension of time and for file the RCE. Any additional amounts that may be due for presentation of this amendment should be charged to Deposit Account No. 02-0825 of Applicant's attorney.

If any questions or issues remain, the resolution of which the Examiner feels would be advanced by a personal or telephonic conference with Applicant's attorney, the Examiner is invited to contact such attorney at the telephone number noted below. This is particularly applicable herein as the undersigned new attorney of record has not had the benefit of discussing this invention with the Examiner and would welcome the opportunity for such discussion if it would lead to expediting allowance herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Lynn E. Barber', is written over the typed name and address.

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Enclosures:

Petition for Extension of Time
Request for Continued Examination